

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 02/22/2001
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 12/04/2000.

TITLE: Northeast Region Lobster-Black Sea Bass Area 5
Waiver Requirements

AGENCY FORM NUMBER(S): None

ACTION : APPROVED

OMB NO.: 0648-0424

EXPIRATION DATE: 02/29/2004

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	0	0	0
New	207	37	0
Difference	207	37	0
Program Change		37	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
7. Title	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
8. Agency form number(s) (<i>if applicable</i>)	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. ___ Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. ___ Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

Supporting Statement for American Lobster - Black Sea Bass Area 5 Waiver Requirements

INTRODUCTION

This submission requests the Office of Management and Budget (OMB) approve a collection-of-information under the procedures set forth under the Paperwork Reduction Act of 1995 (PRA). This submission would revise the OMB approval for Northeast Region Permits (OMB Control No. 0648-0202) as it pertains to permit requirements. Because of a separate submission under that number at this time, however, this submission is being made separately. After approval of the submission, these requirements will be merged into 0648-0202.

The permit family of forms currently covers the Northeast Region's permit requirements for fishing vessels, operators, and dealers. This submission adds a new vessel permit category to existing requirements for the American lobster fishery permitting requirements implemented under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). Specifically, the action would address regulatory measures in the Exclusive Economic Zone (EEZ) to implement a new permit category which would allow dual permit status fishing vessels, those vessels holding both a black sea bass (*Centropristis striata*) and American lobster (*Homarus americanus*) permit, to elect to participate in a program that exempts them from the lobster trap gear restrictions and retain an incidental allowance of lobster while directing fishing effort on black sea bass (BSB) using traps in the Federal Lobster Management Area 5 (LMA5).

A. JUSTIFICATION

1. Why is the information necessary?

The Secretary of Commerce has the responsibility for the conservation and management objectives of fishery management plans. Under the authority of the ACFCMA, Section 804(b) authorizes the Federal government to issue regulations governing fishing for American Lobster in the EEZ that are compatible with the effective implementation of the Atlantic States Marine Fisheries Commission's (ASMFC) American Lobster Interstate Fishery Management Plan (ISFMP) and consistent with the national standards set forth in section 301 of the Magnuson-Stevens Act.

Implementation of new Federal American lobster regulations on December 6, 1999 (64 FR 68228), among other measures, limits fishing effort by limiting the number of traps that may be fished per vessel to either 800 or 1800 lobster traps, depending on the lobster management area fished. To enforce this measure, lobster traps must be tagged and these tags are traceable to a particular vessel. A minimum lobster size combined with a corresponding escape vent opening in lobster traps helps control mortality on juvenile lobsters. Each trap capable of catching lobster must contain a rectangular

escape vent with an unobstructed opening not less than 1-15/16 x 5-3/4 inches (4.92 x 14.61 cm) or two circular openings not less than 2-7/16 inches (6.19 cm).

Implementation of new Federal American lobster regulations created a potential overlap of fishing regulations for owners of fishing vessels who fish with traps and hold a Federal American lobster limited access fishing permit and black sea bass limited access fishing permit. The traps and fishing methods used to harvest American lobster and BSB are similar, but not identical. BSB fishermen generally fish more traps (1500 - 2500), and these traps are traditionally fished unbaited while lobster traps are baited. To retain the BSB once they enter a trap, escape vents are smaller i.e., 1-1/8 x 5-3/4 inches (2.86 x 14.61 cm), the size opening that retains 50% of BSB at the minimum legal size of 10 inches (25.4 cm). Lobster traps reportedly do not catch any quantity of BSB since the larger vents required under current lobster regulations reportedly allow all but the largest BSB to escape. Effective with the implementation of Federal American lobster regulations, black sea bass fishermen who also hold a Federal American lobster permit are required to fish under fixed trap limits of 800 traps for Lobster Management Area 5 (LMA5) and abide by other gear restrictions such as the larger lobster escape vent size, maximum trap size, and tagging requirements on each trap. There are currently no trap limits, gear restrictions or tagging requirements in the black sea bass fishery.

The potential overlap of Federal fishing regulations on BSB and American lobster fishing vessels and impacts on commercial fishing enterprises prompted the ASMFC and the Mid-Atlantic Fishery Management Council (Council) to request that NMFS, acting on the behalf of the Secretary of Commerce, classify traps used in the BSB fishery in LMA5 as non-trap gear and such gear should be subject to limits on landings of no more than 100 lobsters per day up to a maximum of 500 lobsters per trip for trips 5 days or longer. The ASMFC and Council believe the imposition of lobster regulations (the larger lobster escape vent size, maximum trap size, and tagging requirements on each trap) to be an unnecessary imposition of rules on BSB fishers who, when targeting sea bass in unbaited traps, catch lobster incidentally, as do other gear types that have been granted incidental allowances. Both the ASMFC and Council agree that the incidental allowance (100 lobsters per day, up to 500 lobsters per trip of 5 days or more (unless restricted by state regulation)) should be granted to black sea bass fishers.

NMFS agreed to evaluate the Council and ASMFC request and proposes to establish a new fishing vessel permit category which would allow owners of “dual status permit vessels”, those vessels holding both a BSB and American lobster permit, to elect to participate in a program that exempts them from the lobster trap gear restrictions and retain an incidental allowance of lobster (no more than 100 lobsters per day up to a maximum of 500 lobsters per trip for trips 5 days or longer) while targeting BSB with traps in LMA5. Owners of dual status permit vessels who intent to fish with traps in LMA5, would be required to elect either a LMA5 Trap Waiver Permit or a limited access American lobster Trap Permit, but vessels would be prohibited from applying for or retaining both permits at the same time.

During the annual permit renewal period, or upon request, NMFS will send existing owners of dual permit status vessels who intent to fish with traps in LMA5, a pre-printed permit renewal form. Permit holders would elect either a LMA5 Trap Waiver Permit category or a limited access American lobster Trap Permit category. Vessels would comply with the rules that are appropriate for the target fishery and category of permit selected. Either permit would be valid for the duration of the American lobster fishing year, currently May 1 - April 30. Vessels holding a limited access American lobster Trap Permit who apply for a LMA5 Trap Waiver Permit, will have the limited access American lobster Trap Permit suspended for the remainder of the fishing year or until the owner elects to cancel the LMA5 Trap Waiver Permit. Cancellations of the LMA5 Trap Waiver Permit would be treated administratively as a lobster permit category change and would not result in the loss of limited access eligibility in either the lobster or black sea bass fisheries.

2. How, and by whom, will the information be used?

Establishment and selection of a new American lobster LMA5 Trap Waiver permit category will be used by several offices of NMFS, the Council and/or the ASMFC to evaluate the management program and future management proposals. The information will also be used by the U.S. Coast Guard to monitor compliance with the provisions of this action. In most cases, aggregated summaries are made available, but for law enforcement, mailings, or resource allocation problems, individual permit information is often required. In addition to the uses specifically relating to lobster management, the data collected will be incorporated into the NMFS databases which are used in many analyses by NMFS offices, the Regional Fishery Management Councils, ASMFC, the states, the Departments of State and Commerce, OMB, the Corps of Engineers, Congressional staffs, the fishing industry, and the public.

3. Can improved technology reduce the burden?

The new permit category will be incorporated as part of the computer-generated preprinted renewal permit form during the routine fishing year permit renewal cycle (except for the possibility in the year 2000 that the regulations for the new permit category are implemented in the middle of the fishing year, which would require an additional permit holder letter announcing the new category option). Therefore, normally a permit change would be simple for both the public and the issuing office. The information obtained from current permits is used to prepare a pre-printed renewal application which is sent to the permit holder for updating prior to the start of each new fishing year, or when requesting a change in permit category. Where there is no change to the information required on the permit, renewal requires no more than a signature from the applicant. Changes to the permit application are a matter of selecting the new permit category. This format minimizes the reporting burden on the public as well as the administrative burden on the agency. No improved information collection technology has been identified to reduce this burden further. Every effort will be made in the future to use computer technology to reduce the public burden. Collections will be done via mail, phone or fax transmission.

4. Describe any duplication of effort.

Other than information such as the vessel owner's name and caller's name, vessel name and permit number needed to initially identify participants, no information will be collected that is already collected through other means.

5. How are the impacts on small businesses minimized?

Only the minimum data to meet the requirements of the above measures are requested from all respondents. Since most of the respondents are small businesses, separate requirements based on the size of business have not been developed.

6. What are the consequences of no, or a less frequent, collection?

As a resource management tool, requests for permit category changes allow for effective enforcement of the lobster trap limits, escape vent requirements, maximum trap size requirements, and lobster landing limits while also monitoring the level of effort in the fishery. Anticipated management measures may include reductions in effort on an LMA basis, therefore, a request for permit category changes will be required of vessel owners. It is not useful to conduct this collection less frequently, because the LMA5 Trap Waiver Permit category allows vessels greater flexibility to target BSB without creating a loophole that would undermine the conservation effectiveness of existing lobster restrictions in LMA5 and could result in adverse impacts on commercial fishing enterprises.

7. Explain if request is not consistent with OMB guidelines.

The data collection is consistent with OMB guidelines.

8. Describe efforts to get comments from outside the agency.

The potential overlap of Federal fishing regulations on BSB and American lobster and their impacts on commercial fishing enterprises was discussed at formal ASMFC and Council public meetings. The states of Maryland, New Jersey, the ASMFC and Council have formally requested that NMFS, acting on the behalf of the Secretary of Commerce, classify traps used in the BSB fishery in LMA5 as non-trap gear and such gear should be subject to limits on landings of no more than 100 lobsters per day up to a maximum of 500 lobsters per trip for trips 5 days or longer. The proposed rule for this action will also solicit public comment.

9. Explain any payment or gifts provided to respondents.

Neither payments nor gifts are given to the respondents.

10. Describe any assurances of confidentiality.

Information collection for a fishing vessel permit is not confidential.

11. Provide justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Provide an estimate in hours of the burden of the collection of information.

Table 1 summarizes the burden hours, number of respondents, and the total burden to the dual status permit holders.

Regulatory changes contained in this action alter previously approved burden estimates for this family of forms. This submission adds estimates of the new burden associated with these changes. New numbers reflect estimates for the lobster fishery only, thus previously approved estimates for other species (e.g. multispecies) are unaffected.

Eligible dual status permit holders who wish to select the LMA5 Trap Waiver Permit would normally receive a pre-printed permit renewal application, which is sent to the permit holder for updating prior to the start of each new fishing year, or they can contact the Permit Office and request a copy of their preprinted renewal permit form at any time. Upon receipt, the permit holder would revise the preprinted information on the form by simply penciling in the new LMA5 Trap Waiver Permit category under the “Renewal Changes” section, crossing out the current lobster trap permit categories, signing the form, and then mailing the revised form back to the Permits Office. The Permits Office would receive the revised renewal permit form, process the category change, and mail a new revised LMA5 Trap Waiver Permit fishing vessel permit to the individual. The permit holder would, upon receipt of the LMA5 Trap Waiver Permit, be requested to mail the vessels current limited access American lobster trap permit to the Permits Office to be placed on file for the duration of the American lobster fishing year. If the permit holder elects to withdraw from the LMA5 trap waiver program, a call to NMFS will result in a subsequent mailing of a new computer-generated preprinted renewal permit form containing information identifying the vessels current permits. The Permit holder would cancel or cross out the LMA5 Trap Waiver Permit category on the preprint, sign and mail the revised permit form back to the Permits Office and, upon receipt, the limited access American lobster trap permit would be mailed back to the permit holder.

The LMA5 Trap Waiver Permit category designation election and changes will be incorporated onto the computer-generated preprinted renewal permit form. Therefore, a permit category change would be simple for both the public and the issuing office. The information obtained from current permits is used to prepare a pre-printed renewal application. Changes to the permit application are a matter of selecting the new permit category. This format minimizes the reporting burden on the public as well as

the administrative burden on the agency. To aid in enforcement and administration of the program, dual status vessel owners who fish with traps will be required to carry a Lobster Fishing Permit onboard their vessel during the period of participation, a continuation of existing requirements. This lobster fishing permit will identify the LMA5 Trap Waiver Permit category elected.

The burden associated with the initial contact with NMFS to initiate a permit category change and subsequent selection of the appropriate permit category is estimated at approximately 15 minutes per response, and covers the call to NMFS, and, upon receipt of the computer-generated preprinted renewal permit application form, the subsequent selection of the LMA5 Trap Waiver Permit category under the "Renewal Changes" section of the form, the required date and signature, and mailing of the revised form back to NMFS. Upon receipt of the new LMA5 Trap Waiver Permit, the permit holder burden is estimated to be 2 minutes to mail the permit holders suspended limited access American lobster Trap Permit to NMFS for retention on file, either for the duration of the fishing year or until cancellation of the LMA5 Trap Waiver Permit. Subsequent changes to the permit category may be made during the remainder of the American lobster fishing year (May 1 through April 30). The burden for cancellation of one category and election of an alternate category on a preprinted renewal permit form application is estimated at approximately 15 minutes per response and involves a call to NMFS, subsequent cancellation of the LMA5 Trap Waiver Permit category under the "Renewal Changes" section of the form, the required date and signature and mailing of the revised form back to NMFS. The BSB fishery is a seasonal fishery (May - November), and since election of the LMA5 Trap Waiver Permit category will continue to allow the retention and sale of up to 100 lobsters per day up to a maximum of 500 lobsters per trip for trips 5 days or longer, it is estimated that vessels electing a LMA5 Trap Waiver Permit category will cancel the LMA5 Trap Waiver Permit and elect a limited access American lobster Trap Permit only one time during the fishing year, after the summer period BSB peak landing season.

The election of an LMA5 Trap Waiver Permit would apply to any vessel that holds both a Federal permit for black sea bass and American lobster and fished for one or both species using trap gear within the area boundaries of LMA 5. For permit year 1999 (May 1, 1999 to April 30, 2000) a total of 592 vessels were issued both a black sea bass and an American lobster moratorium permit. For the current permit year (May 1, 2000 to April 30, 2001) a total of 546 vessels have dual permit status. Although additional permits may be issued during the year, the 546 vessels represent 92% of the number of permits issued in 1999 and will be used as the basis for estimating the time and cost burden on the industry and federal government.

The universe of small entities that are expected to take advantage of the proposed action is equal to: the total number of dual permit holders that fish lobster and black sea bass with trap gear in LMA 5; or vessels that fish black sea bass with traps in LMA 5 but use nontrap gear to harvest lobsters; or vessels that fish black sea bass with traps in LMA 5 but fish lobsters with trap gear exclusively outside of LMA 5. Assuming that vessels indicating a home port state bordering the boundary of LMA 5 would be most likely to fish black sea bass and lobster in the affected area, there are a total of 180 vessels that

may choose to obtain a LMA trap exemption permit. Of these vessels, 111 held a nontrap lobster permit and indicated fishing black sea bass with gear other than traps. Thus, out of the original universe of 546 vessels, 69 vessels may be expected to have the greatest likelihood of availing themselves of the opportunity to obtain a LMA 5 trap waiver permit. For purposes of estimating the burden associated with this requirement, assume all 69 vessels would elect the new LMA5 Trap Waiver Permit category and, after the BSB season, would cancel the LMA5 Trap Waiver Permit and elect the limited access American lobster Trap Permit for the duration of the fishing year.

13. Provide estimates of the total annual cost burden to the respondents.

Regulatory changes contained in this action alter previously approved burden estimates for this family of forms. This submission adds estimates of the new burdens associated with these changes. New numbers reflect estimates for the lobster fishery only, thus previously approved estimates for other species (e.g. multispecies) are unaffected.

A. Annualized capital and start-up costs

No annual capital and start up costs.

B. Total operations, maintenance, and purchase of services component

This information collection does not require respondents to purchase new or additional equipment or services. Most computers, telephones and/or facsimile machines utilized by the respondents would have already been purchased as part of customary and usual business practices, thus costs associated with this program is negligible.

The annual cost for the election of an LMA5 Trap Waiver Permit is estimated at \$1.99 per vessel or \$137 for 69 vessels. This assumes each of the 69 vessels would, in response to the permit holder letter announcing the new option, contact NMFS (estimated to cost \$0.50 per call) which would require NMFS to mail each applicant a computer-generated preprinted renewal permit form. The applicant would select the LMA5 Trap Waiver permit category, and mail the completed and signed preprinted permit form back to NMFS (estimated cost of \$0.33 postage). NMFS would subsequently mail each applicant a new vessel permit containing the selected LMA5 Trap Waiver category for retention on board the applicants vessel for the duration of the fishing year, or until a decision is made by the permit holder to cancel the LMA5 Trap Waiver permit. Upon receipt of the new LMA5 Trap Waiver permit, NMFS would require the applicant to mail the current limited access American lobster trap permit to NMFS (estimated cost of \$0.33 postage) to be placed on file for the duration of the American lobster fishing year. If the permit holder elects to withdraw from the LMA5 trap waiver program, a call to NMFS (estimated to cost \$0.50 per call) will result in a subsequent mailing of his current limited access American lobster trap permit back to the permit holder. This cost estimate is based on the postage rate of \$0.33 per respondent, per mailing, and an average phone call charge of \$0.50 per call. 69 vessels x ((3 mailings x \$0.33 postage) + (2 calls x \$0.50 phone call)) = \$137/year.

14. Provide estimates of annualized costs to the federal government.

The following burden estimates are summarized in Table 1.

Regulatory changes contained in this action alter previously approved burden estimates for this family of forms. This submission adds estimates of the new burdens associated with these changes. New numbers reflect estimates for the lobster fishery only, thus previously approved estimates for other species (e.g. multispecies) are unaffected.

Estimated annualized costs to the Federal government assumes that the average cost for issuance of a permit is \$33/permit, based on the most recent Northeast Region cost analysis (includes labor, printing, distribution, computer time and handling). The lobster vessel permit is not new to this action so there is no new burden associated with the existence of the permit. The increased burden is a result of the fact that lobster vessel owners may select this new permit category during the fishing year and then may subsequently elect to cancel the LMA5 Trap Waiver Permit category and select the limited access American lobster Trap permit category. Subsequent annual permit renewals will be impacted by this change if vessel annually elects this permit category for part of the fishing year and then cancels the LMA5 Trap Waiver Permit category and selects the limited access American lobster Trap permit category for part of the fishing year.

Costs associated with this program reflect a cost of \$25/hour to the government. Annualized costs to the federal government for these programs include staff costs and system operation associated with processing the information.

Costs associated with this program include the issuance of two permits per participating vessel at \$33/permit or \$66/vessel per year for 69 vessels, and filing of the suspended limited access American lobster Trap Permit, estimated to take approximately 2 minutes (\$0.84 at \$25/hr), while the permit holder is in possession of the LMA5 Trap Waiver Permit. The total estimated costs to the government are \$4612 (Table 1).

15. Explain potential changes in burden.

The change in burden represents a program change resulting from new requirements.

16. Describe any plans for any statistical use of the information.

Results from this collection may be used in scientific, management, technical or general informational publications such as Fisheries of the United States which follows prescribed statistical tabulations and summary table formats. Data are available to the general public on request in summary form only; data are available to NMFS employees in detailed form on a need-to-know basis only.

17. Explain the reasons why display would be inappropriate.

All forms will display the OMB control number and expiration date along with information relevant to the Paperwork Reduction Act of 1995.

18. Explain each exception to the certification statement.

All instances of this submission comply with 5 CFR 1320.9.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

No statistical methods are employed in the information collection procedures; the requirements are not mandatory for participants in the indicated fisheries.

TABLE 1. Summary of estimated burden of information collections

	Number of Participants	Items / entity	Total # of Items	Response Time	Total Burden (Hrs)	Cost to Respondents	Costs to Govt.
Initial permit category	69	1	69	.25	17.2	\$57	\$2277
Mailing of suspended lobster trap permit to NMFS for	69	1	69	.033	2.3	\$23	\$58
Cancellation and selection of alternative permit category	69	1	69	.25	17.2	\$57	\$2277
Totals	69		207		36.7	\$137	\$4612



INSTRUCTIONS

2000 VESSEL PERMIT RENEWAL - NORTHEAST FEDERAL FISHERIES

COMPLETING THE APPLICATION:

The enclosed 2000 Vessel Permit Renewal Application is partially completed based on your 1999 Federal Fishing Permit. Use this checklist to help ensure that your application is correct and complete. **Incomplete applications will not be processed.** To complete your application you must:

- ✓ Update or correct the information printed on your application
- ✓ Enclose a copy of your **current** State Registration or Coast Guard document
- ✓ Submit all trip reports that are due to the Data Center at the address below (contact no. 978-281-9246)
- ✓ Submit requested corporate information *if* your vessel is owned by a corporation (see Section 3)
- ✓ Submit requested partnership information *if* your vessel is owned through a partnership (see Section 3)
- ✓ Submit a copy of the vessel's **current** charter/party license (see Section 3)
- ✓ Sign and date the application

Send the completed application to:

National Marine Fisheries Service
Attention: Permit Office
One Blackburn Drive
Gloucester, MA 01930-2298

WHEN TO SUBMIT:

Your renewal application should be returned to us at least 30 days prior to the date the permit is required in order to assure an expeditious processing of your application. **NO WALK-IN SERVICE IS AVAILABLE.**

WHO TO CONTACT WITH QUESTIONS:

SECTION BY SECTION INSTRUCTIONS FOLLOW. The answers to most questions can be found in these instructions. Please contact us at 978-281-9278 if you can not find the answer to your question. Northeast Fisheries Regulations, permit data, and important announcements are available on our website at: www.nero.nmfs.gov.

CHANGES MADE AFTER THIS APPLICATION IS SUBMITTED:

You are required to notify the National Marine Fisheries Service within 15 days if any of the information you submit with this renewal application changes during the year 2000 fishing year.

SECTION 1: VESSEL/OWNER INFORMATION

Enter information only for items that have changed or are incorrect. For our purposes Home Port and Principal Port are defined as follows.

Home Port	City and State where vessel is moored.
-----------	--

Principal Port	City and State where the majority of your landings occur.
----------------	---

SECTION 2: 1999 FISHERY INFORMATION & RENEWAL CHANGES

1999 Fishery Information, (the box on the left) gives information about the Federal permits your vessel held in 1999. If no new entries are made in Section 2 and all vessel reporting requirements have been met, your 2000 permit will be issued for the fisheries indicated **upon receipt of a complete application**.

Renewal Changes, (the box on the right) is provided for any changes you wish to make to your 2000 Federal fisheries permit. Except as noted for some limited access fisheries, you may add, cancel or change a fishery, category or gear code by entering new information in the spaces provided.

Category: For each fishery you wish to add, cancel or change, select the category that best describes your fishing operation, and write the category numbers or letters in this column.

Gear Code: For each fishery, select the applicable gear codes from the Gear Code table below. Write the gear code numbers in the column marked "Gear."

Cancel: To cancel a fishery, put an "X" in the column marked "Cancel". Please note that once you relinquish (cancel) a limited access permit, you will lose your right to renew that limited access permit in subsequent years.

GEAR CODES

120 Purse Seines	320 Mid-water Trawls	800 Pots and Traps	1010 Harpoons
210 Beach Seines	330 Other Trawls	911 Hand Lines	1200 Other Gear
220 Boat Seines	410 Dredge	912 Rod and Reel	1400 Diving Gear
310 Bottom Trawls	700 Gill or Entangling Nets	920 Longlines or Setlines	

FISHERY PERMIT CATEGORIES (*Shaded*)

NORTHEAST MULTISPECIES:

Regulated species	Cod, haddock, yellowtail flounder, pollock, redfish (ocean perch), winter flounder (blackback), American plaice (dab), witch flounder (grey sole), windowpane flounder (sand dab) and white hake
-------------------	--

Non-Regulated species	Silver hake (whiting), red hake (ling) and ocean pout, and Atlantic halibut (vessels may land or possess on board no more than one Atlantic halibut per trip)
-----------------------	---

Limited Access Permits: These permits may only be renewed by vessels that have previously held them, or to approved replacements of such vessels. **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

- A** Individual DAS
- B** Fleet DAS
- C** Small Vessel Exemption: (less than or equal to 30')
- D** Hook Gear: (Vessels in this category may not change category)
- E** Combination Vessels: (Vessels in this category may not change category)
- F** Large Mesh Individual DAS: Category A (Individual DAS) or E (Combination) vessels may elect this category for the entire year. Fish for multispecies groundfish no more than 36 percent beyond the DAS allocations specified on vessel's DAS allocation for Categories A or E. Must fish either gillnet gear with a minimum size 7" diamond mesh or trawl gear with a minimum size 8" diamond mesh.
- G** Large Mesh Fleet DAS: Category B (Fleet DAS) vessel may elect this category for the entire year. Fish for multispecies groundfish using no more than 120 DAS. Must fish either gillnet gear with a minimum size 7" diamond mesh or trawl gear with a minimum size 8" diamond mesh.

NORTHEAST MULTISPECIES (continued)

Open Access Permits: Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.

- H Handgear: Retain up to 300 lbs. combined weight of cod, haddock and yellowtail flounder, one Atlantic halibut of at least 36 inches in size, and unlimited amounts of other Northeast multispecies provided that only rod and reel or handline gear is used or possessed on the vessel while in possession of, fishing for, or landing Northeast multispecies, and provided that there is at least one standard tote on board.
- I Charter/Party: Fish for or retain multispecies in the EEZ when carrying passengers for hire (See Section 3 for additional information).
- J Scallop Multispecies Possession Limit: Retain up to 300 lbs. of regulated species while fishing under a scallop DAS. Vessel must have a Limited Access Scallop Permit to qualify for this category.
- K Non-Regulated Multispecies: Fish for non-regulated multispecies: silver hake (whiting), red hake (ling), ocean pout or Atlantic halibut (vessels may land or possess on board no more than one Atlantic halibut per trip, at least 36 inches).

ATLANTIC SEA SCALLOP:

Open Access Permit: Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.

- 1 General: Retain or land no more than 400 lbs. of shucked scallops, or 50 US bushels of in-shell scallops, per trip.

Limited Access Permits: These permits may only be renewed by vessels that have previously held them, or to approved replacements of such vessels. **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

- 2 Full-Time
- 3 Part-Time
- 4 Occasional
- 5 Full-Time - Small Dredge: Category 3 (Part-Time) vessel may elect this category for the entire year. Fish for scallops using one dredge no larger than 10.5 ft. and a crew no larger than five.
- 6 Part-Time - Small Dredge: Category 4 (Occasional) vessel may elect this category for the entire year. Fish for scallops using one dredge no larger than 10.5 ft. and a crew no larger than five.
- 7 Full-Time - Authorized to use trawl nets
- 8 Part-Time - Authorized to use trawl nets
- 9 Occasional - Authorized to use trawl nets

SURFLAM/OCEAN QUAHOG

Open Access Permits: Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.

- 1 Surfclam: Harvest surfclams*.
- 6 Ocean Quahog: Harvest ocean quahogs*.

* To harvest and land surfclams or ocean quahogs, an allocation of quota is required. For more information, call (978) 281-9262.

Limited Access Permit: These permits may only be renewed by vessels that have previously held them, or to approved replacements of such vessels. **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

- 7 Maine Mahogany Quahog: Harvest ocean quahogs without an allocation in Federal waters in the area north of latitude 43°50'N.

AMERICAN LOBSTER

Limited Access Permits: These permits may only be renewed by vessels that have previously held them, or to approved replacements of such vessels. For vessels fishing with trap gear, no changes to the Lobster Management Area(s) you designate (A1, A2, etc) may be made for the remainder of the fishing year, except for election of the “A5W” category, which requires all other “A” category permits to be suspended until the A5W category is canceled. **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

- 1 Commercial Non-Trap
 - 2 Charter/Party Non-Trap
 - A1 Lobster Management Area 1 - Trap Only
 - A2 Lobster Management Area 2 - Trap Only
 - A3 Lobster Management Area 3 - Trap Only
 - A4 Lobster Management Area 4 - Trap Only
 - A5 Lobster Management Area 5 - Trap Only
 - A5W Lobster Management Area 5 - Black Sea Bass Trap Waiver
 - A6 Lobster Management Area 6 - Trap Only
 - A2/3 Lobster Management Area 2/3 Overlap - Trap Only
-

SUMMER FLOUNDER (FLUKE)

Limited Access Permit: This permit may only be renewed by vessels that have previously held one, or to approved replacements of such vessels. **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

- 1 Commercial Moratorium

Open Access Permit: **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

- 2 Charter/Party: Fish for or retain summer flounder in the EEZ while carrying passengers for hire (See Section 3 for additional information).
-

SCUP (PORGY)

Limited Access Permit: This permit may only be renewed by vessels that have previously held one, or to approved replacements of such vessels. **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

- 1 Scup Moratorium

Open Access Permit: **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

- 2 Charter/Party: Fish for or retain scup in the EEZ while carrying passengers for hire (See Section 3 for additional information).
-

SQUID, MACKEREL, AND BUTTERFISH

Limited Access Permits: This permit may only be renewed by vessels that have previously held one, or to approved replacements of such vessels. **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

1 Loligo/Butterfish Moratorium

5 Illex Squid Moratorium

Open Access Permits: Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.

2 Squid/Mackerel/Butterfish Charter/Party: Fish for or retain Loligo or Illex squid, or butterfish in the EEZ while carrying passengers for hire (See Section 3 for additional information).

3 Squid/Butterfish Incidental Catch: Fish commercially for up to 2,500 lbs of Loligo squid or butterfish and 5,000 lbs of Illex squid per trip.

4 Atlantic Mackerel: Fish commercially for Atlantic mackerel in the EEZ.

BLACK SEA BASS

Limited Access Permit: This permit may only be renewed by vessels that have previously held one, or to approved replacements of such vessels. **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

1 Black Sea Bass Moratorium: Fish commercially north of 35° 15.3' N. latitude.

Open Access Permit: Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.

2 Charter/Party: Fish for or retain black sea bass north of 35° 15.3' N. latitude while carrying passengers for hire. (See Section 3 for additional information).

ATLANTIC BLUEFISH

Open Access Permit: Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.

1 Commercial: Possess or harvest Atlantic bluefish from the EEZ in excess of the daily possession limit.

2 Charter/Party: Fish for or retain Atlantic bluefish while carrying passengers for hire. (See Section 3 for additional information).

SPINY DOGFISH

Open Access Permit: Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.

1 General: To commercially fish for, possess, or land spiny dogfish caught in or from the EEZ.

MONKFISH

Limited Access Permits: These permits will only be issued to vessels that have applied for the permit and met the qualification criteria specified below by no later than November 7, 2000. These permits may only be renewed by vessels that have been issued a limited access monkfish permit. **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations and permit holder letters sent previously.**

- A** Vessels which do not possess a multispecies or scallop limited access permit and can provide proof of landing at least 50,000 pounds of tail weight or 166,000 pounds of whole weight of monkfish during the period of February 28, 1991, through February 27, 1995.
- B** Vessels which do not possess a multispecies or scallop limited access permit that are less than 51 gross registered tonnage, do not qualify for a category A permit, and can provide proof of landing at least 7,500 pounds of tail weight or 24,900 pounds of whole weight of monkfish during the period of February 28, 1991, through February 27, 1995.
- C** Vessels which possess a multispecies or scallop limited access permit and can provide proof of landing at least 50,000 pounds of tail weight or 166,000 pounds of whole weight of monkfish during the period of February 28, 1991, through February 27, 1995.
- D** Vessels that do not qualify for a Category C permit which possess a multispecies or vessels less than 51 gross registered tonnage which possess a scallop limited access permit, and can provide proof of landing at least 7,500 pounds of tail weight or 24,900 pounds of whole weight of monkfish during the period of February 28, 1991, through February 27, 1995.

Days-at-Sea (DAS) Allocation - Vessels qualified for Categories A & B will be allocated 40 DAS. Vessels qualified for Categories C & D will be allocated up to 40 DAS and vessels must also be on a multispecies or scallop DAS when using a monkfish DAS.

MONKFISH (continued)

Open Access Permit: This permit may be issued to any vessel not issued a monkfish limited access permit to fish for, possess, or land monkfish. **Further restrictions may apply to specific categories. Refer to Northeast Fisheries Regulations.**

- E** Incidental Catch - This permit will allow a vessel to retain a limited amount of monkfish depending on fishing year, area fished, and gear fished. For specific limit amounts please contact the Fisheries Information Line at (978) 281-9278.

SECTION 3: OWNER'S SIGNATURE AND RENEWAL INSTRUCTIONS

Please sign the form. Unsigned or otherwise incomplete applications will be returned. Your signature is an affirmation under penalty of perjury, that all the information provided in obtaining this permit is true and correct.

ADDITIONAL DOCUMENTS REQUIRED

- 1 CERTIFICATE OF INCORPORATION, PARTNERSHIP AGREEMENT OR ANNUAL REPORTS** - If the vessel is owned by a corporation or a partnership, the following information must be submitted with the renewal form:
 - A copy of the Certificate of Incorporation must be submitted once. **Each year**, documents showing **current** corporate status and all officers and shareholders owning 25% or more of the shares in the corporation must be submitted
 - The list of corporate officers and shareholders must include their addresses (examples of acceptable documentation include Minutes from the Corporation Annual Meeting listing the names and addresses of the officers and stockholders, or a signed and dated letter from a Corporate Officer listing the names and addresses of current officers and stockholders)
 - Partnerships must submit a copy of the partnership agreement once. **Each year**, the names and addresses of all partners must be submitted
- 2 SCALLOP VESSELS OWNED** - If you are renewing a limited access sea scallop permit, you must attach a list of the following information for **all vessels** in which you have an ownership interest and that hold limited access sea scallop permits. You may use the attached form for your convenience.
 - Owner names - **Not Business or Corporate Names**
 - Vessel names and permit numbers
- 3 USCG DOCUMENTATION** - A copy of the vessel's **current** US Coast Guard Documentation or, if undocumented, **current** state registration.
- 4 CHARTER/PARTY PERMIT** - If you hold or are applying for a charter/party permit, you must submit a copy of the vessel's **current** charter/party license. A copy of one of the following documents is acceptable:
 - Current state license showing the vessel is authorized to carry charter/party passengers
 - Current Coast Guard Documentation that shows the vessel is presently documented for "Coastwise"
 - Current US Coast Guard license to operate or navigate passenger carrying vessels

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining data needed, and completing & reviewing the information. Send comments regarding this burden estimate or suggestions for reducing this burden to: National Marine Fisheries Service, Permit Office, 1 Blackburn Drive, Gloucester, MA 01930-2298. The Paperwork Reduction Act requires that potential respondents for a fishing vessel permit be notified of certain information regarding their rights and the burden associated with applying for Federal fisheries permits. One of the regulatory steps taken by the National Marine Fisheries Service to carry out its conservation and management objectives is the requirement of a permit for users of the resources. All the fisheries included on this application require a permit to fish for or retain these species in or from the EEZ, Section 303 (b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) specifically recognizes the need for permit issuance. The purpose and use of these permits are to: (1) register industry participants and fishing vessels, (2) list the characteristics of fishing vessels, (3) exercise influence over compliance, (4) provide a mailing list for the dissemination of important information to the industry, (5) register participants to be considered for limited entry, and (6) provide a universe for data collection samples. Both the MSFCMA and Executive Orders 12866 et al. require the determination of this information. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. Any information submitted by any person to obtain a permit is not confidential, and may be disclosed upon request.

PRA SAMPLE PERMIT HOLDER LETTER

LOBSTER-BLACK SEA BASS PERMIT HOLDER LETTER

Dear Permit Holder:

This letter is to inform you of new regulations in the Federal American lobster fishery to address impacts created by overlapping fishing regulations for owners of fishing vessels who meet the following requirements: 1) hold a Federal American lobster limited access fishing permit and a Federal black sea bass (BSB) limited access fishing permit (Dual Permit Status Vessels); 2) fish with traps or pots; and 3) fish or elect to fish in American Lobster Management Area 5 (LMA5) (see attached chart).

These regulations create a new fishing vessel permit category for owners of Dual Permit Status Vessels who fish or elect to fish with traps or pots in LMA5. Prior to establishment of the new LMA5 Trap Waiver Permit category, Dual Permit Status Vessels were required to fish under fixed trap limits and abide by other trap gear restrictions such as a larger lobster trap escape vent size and lobster trap tag requirements. There are currently no trap restrictions or tagging requirements under Federal BSB regulations.

The LMA5 Trap Waiver Permit: Owners of Dual Permit Status Vessels who intent to direct their fishing effort on BSB with traps only in LMA5, may now elect to participate in a program that exempts participating vessels from trap limits, the lobster trap escape vent size and lobster trap tag requirements while allowing a retention of an incidental allowance of lobster (no more than 100 lobsters per day up to a maximum of 500 lobsters per trip for trips 5 days or longer). Alternatively, by requesting a limited access lobster trap permit, a Dual Permit Status Vessel can choose to comply with the lobster gear restrictions and retain greater amounts of lobster in excess of the incidental allowance of 100 lobsters per day up to a maximum of 500 lobsters per trip for trips 5 days or longer.

A vessel with the waiver is limited to the incidental allowance of lobster and may only land lobsters in greater amounts by formally canceling this permit category and switching to the commercial limited access lobster trap category. When in possession of, or operating under a LMA5 Trap Waiver Permit, a vessel will have all other limited access lobster trap permit categories suspended and may not fish for lobster with traps in any other lobster management area. There are no restrictions on the number of times a LMA5 Trap Waiver Permit may be elected during the fishing year. Cancellation of the LMA5 Trap Waiver Permit will be treated administratively as a lobster permit category change and will not result in the loss of limited access eligibility in either the lobster or black sea bass fisheries.

Effective immediately, the National Marine Fisheries Service (NMFS) will allow Dual Permit Status Vessels who intent to fish with traps only in LMA5 to apply for the LMA5 Trap Waiver Permit by contacting the Permits Office at **978-281-9278**. This letter is only a summary of the regulations. To read these regulations in their entirety, you are encouraged to obtain a complete copy of the regulations

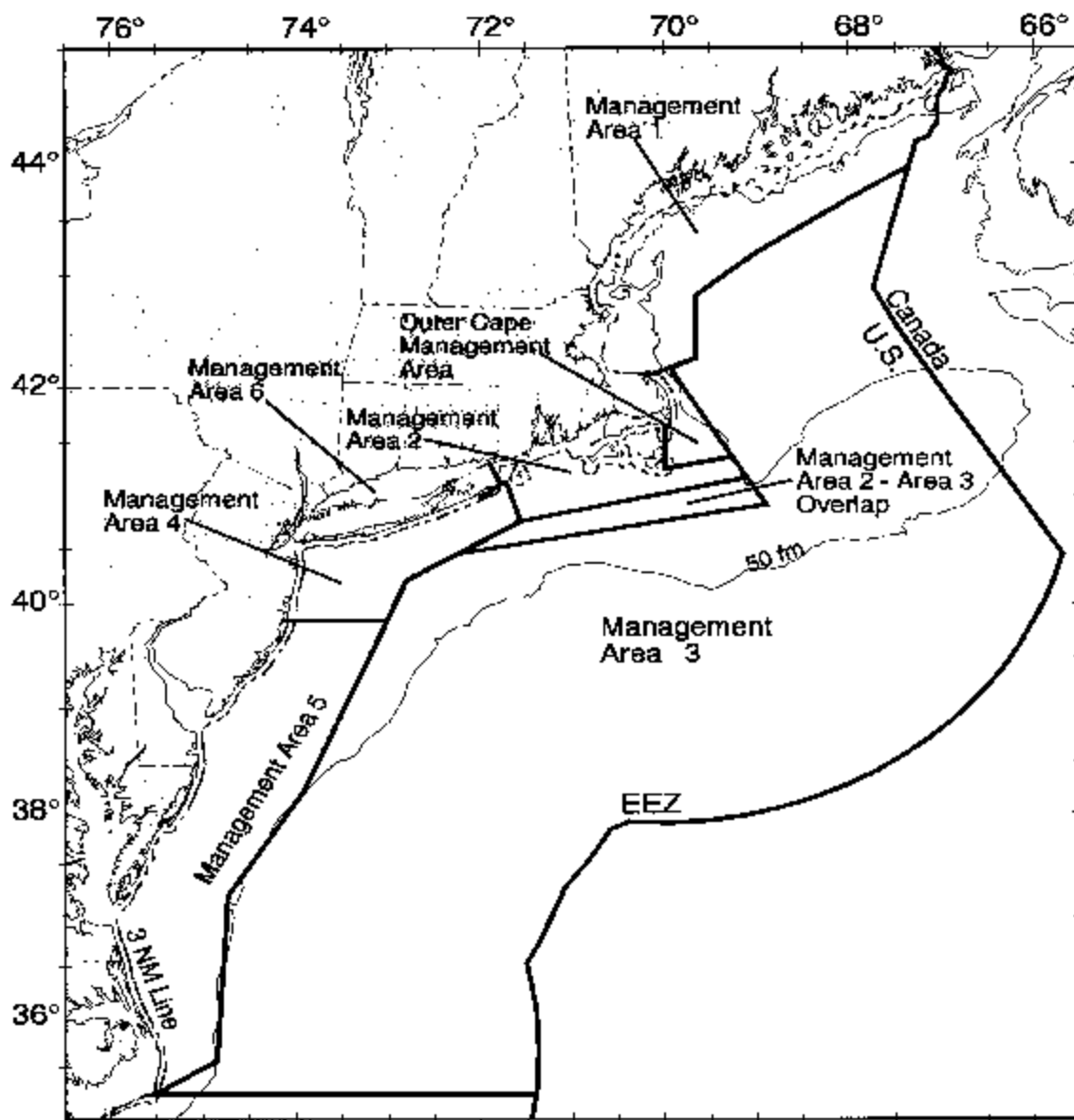
by calling **978-281-9278**, or by accessing the Northeast Regional Office's website at:
<http://www.nero.nmfs.gov/ro/doc/nero.html>.

We encourage you to phone us with your questions and comments at **978-281-9278**.

Sincerely,

Patricia A. Kurkul,
Regional Administrator

American lobster Management Areas established for the purpose of regional lobster management.



NOAA Fisheries
Northeast Regional Office
Gloucester, MA